

RICHARD M. BARNETT
A Professional Law Corporation
California Bar Number 65132
105 West F Street, 4th Floor
San Diego, CA 92101
Telephone: (619) 231-1182
Email: rmb-atty@pacbell.net

Attorney for Claimant Yubran Mesle

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SIGNED PERSONAL CHECK NO. 730
OF YUBRAN S. MESLE, DRAWN
FROM BANK OF AMERICA ACCOUNT
NO. 09672 67676 IN THE
AMOUNT OF \$240,000.00 IN
U.S. CURRENCY;

SIGNED PERSONAL CHECK NO. 1004
OF YUBRAN S. MESLE, DRAWN
FROM WELLS FARGO ACCOUNT
NO. 3572585739 IN THE AMOUNT
OF \$5,000.00 IN U.S. CURRENCY

SIGNED PERSONAL CHECK NO. 1040
OF YUBRAN S. MESLE, DRAWN
FROM BANK OF AMERICA ACCOUNT
NO. 24547 67190, NO AMOUNT
STATED;

\$197,031.14 IN U.S. CURRENCY
SEIZED FROM BANK OF AMERICA
ACCOUNT NO. 09672 67676 ON
FEBRUARY 22, 2008;

\$1,598.21 IN U.S. CURRENCY
SEIZED FROM WELLS FARGO BANK
ACCOUNT NO. 3572585739 ON
FEBRUARY 22, 2008.

Defendants.

Case No. 08-CV-0394-WQH(CAB)

RESPONSE AND OPPOSITION TO
MOTION FOR JUDGMENT BY
DEFAULT AND TO SET ASIDE
CLERK'S DEFAULT PURSUANT TO
RULE 55(c) OF THE FEDERAL RULES
OF CIVIL PROCEDURE

[EXHIBITS]

EXHIBIT “A”

Nov 14 07 02:29p JOE PERSEKIAN

858-513-3736

p.1

\$200000

NOV. 7, 2007

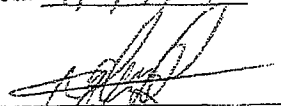
PROMISSORY NOTE
Balloon Payment

For value received, the undersigned promise(s) to pay to the order of JOE PERSEKIAN (hereinafter "Holder"), in legal tender, the sum of \$200000, with interest accruing thereon at the annual rate of 0 percent. This Note commences on NOV. 7, 2007 (hereinafter "Commencement Date"), and all obligations set forth herein are measured from this date. No payments of principal or interest are required to be paid until the due date, which due date is no later than ONE months after the Commencement Date.

In the event legal action is brought to recover on, or to secure payment on, the within Note, or in the event any party hereto, or assignee, files an action to interpret any provisions of this Note, the prevailing party in such action shall be entitled to such legal fees and costs of suit as determined by a court of law of competent jurisdiction to have been reasonably incurred in such action.

All payments and performance of the obligations under this Note shall be made at 15244 ESPOLA RD POWAY CA. 92064.

This Note shall be governed and interpreted under the laws of the State of CA.

Dated: 11/17/07.

YUBRAN MESLE

State of California
County of Los Angeles
on Nov 7, 2007

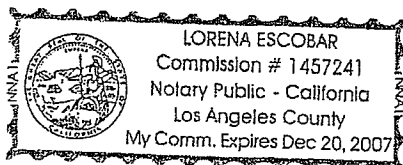
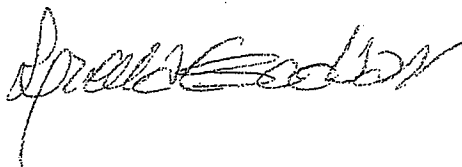


EXHIBIT “B”



U.S. Customs and
Border Protection
9495 Customhouse Plaza
San Diego, CA 92154

CIVIL ASSET FORFEITURE REFORM ACT
NOTICE OF SEIZURE OF PROPERTY

NOV 14 2007

Seizure Case No. 2008 2504 000313
FP&F: sm

Yubran S Mesle
11587 Trailway Drive
Riverside, CA 92505

Dear Sir or Madam:

This is to officially notify you that U.S. Customs and Border Protection/Immigration and Customs Enforcement seized the property described below at San Ysidro, CA on November 9, 2007.

3 bearer negotiable personal checks (Bank of America checks # 1040 and 730, Wells Fargo check #1004), ADV: \$245,000.00, SZD: 110907 at San Ysidro, CA

The property was seized and is subject to forfeiture under the provisions of Title 31 United States Code, sections 5316/5317 and 5332, failure to file required currency monetary instruments report / bulk cash smuggling.

The facts available to U.S. Customs and Border Protection indicate that you might have an interest in the seized property. The purpose of this letter is to advise you of the legal options available to you concerning this seizure. Important documents are attached to this letter. Please do not ignore them. Those documents are an "Election of Proceedings" form and a "Seized Asset Claim Form". You MUST check Box 1 or 3 and return the "Election of Proceedings" form if you wish to contest the forfeiture of the seized property. You may need to complete the "Seized Asset Claim Form", depending on how you complete the "Election of Proceedings" form.

Your legal options are as follows:

1. You may file a petition for relief from the seizure within 30 days from the date of this letter. The provisions of title 19, United States Code, section 1618, and Part 171 of the Customs Regulations (19 CFR Part 171) allow you to do this. The petition need not be in any specific form, but it should include all the facts which you believe warrant relief from forfeiture. All petitions should be filed in duplicate and addressed to U.S. Customs and Border Protection, Attn: Fines, Penalties & Forfeitures, 9495 Customhouse Plaza, San Diego, CA 92154. If you choose this option, you must check Box 1 on the "Election of Proceedings" form.
2. You may file an offer in compromise within 30 days from the date of this letter. The provisions of title 19, United States Code, section 1617, allow you to do this. The offer must specifically indicate that you are making it under the provisions of title 19, United States Code, section 1617. If you are offering money in settlement of the case, you must include a cashier's check in the amount of your offer. U.S. Customs and Border Protection may ONLY consider the amount of your offer and will return the full offer if it is rejected. This option may serve to delay the case. If you choose this option, you must check Box 1 on the "Election of Proceedings" form.
3. You may submit an offer to pay the full appraised domestic value of the seized property accompanied by that full payment or an irrevocable letter of credit. The provisions of title 19, United States Code, section 1614, and title 19, Code of Federal Regulations, section 162.44, allow you to do this. If U.S. Customs and Border Protection accepts your offer, the property will be immediately released and the payment or letter of credit will be substituted for the seized property. You may still submit a petition or offer in compromise as described above.

Vigilance ★ Service ★ Integrity

CAFRA AF-PUBLISH

-2-

4. You may choose to do nothing. If you take no action, or if you check Box 2 on the "Election of Proceedings" form, U.S. Customs and Border Protection will seek to forfeit the property. U.S. Customs and Border Protection will immediately commence administrative forfeiture proceedings under the legal authority of title 19, United States Code (USC), section 1607, and title 19, Code of Federal Regulations (CFR), Part 162. In order to obtain administrative forfeiture, U.S. Customs and Border Protection must publish a notice of seizure and intent to forfeit in a newspaper of general circulation for three consecutive weeks. U.S. Customs and Border Protection will commence such publication on or about January 2, 2008 in the San Diego Commerce. You may request that this office publish the first notice sooner than the date above.

5. You may abandon the property. If you choose this option, please check Box 2 and sign and return the "Election of Proceedings" form.

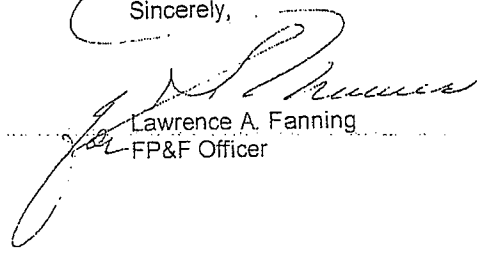
6. You may choose to file a claim and have that claim referred to the United States Attorney for the commencement of a court forfeiture action. If you choose this option YOU MUST CHECK BOX 3 ON THE "ELECTION OF PROCEEDINGS" FORM AND YOU MUST FULLY COMPLETE THE ATTACHED "SEIZED ASSET CLAIM FORM." If you choose to file a claim directly in response to this letter, you must do so within 35 days of the date of this letter.

If you are a holder of a lien or security interest and you do not file a claim, you may avail yourself of any of the other options listed above, but no relief will be granted to you until after forfeiture unless your petition, offer or request is accompanied by an agreement to hold the United States, its officers and employees harmless, and a release from the registered owner and/or the person from whom the property was seized.

No matter which box you check on the "Election of Proceedings" form, you must also sign and return the form along with your petition, offer, or claim.

If you have any questions regarding this matter, please contact Fines, Penalties & Forfeitures at (619) 671-8256.

Sincerely,



Lawrence A. Fanning
FP&F Officer

CAFRA

EXHIBIT “C”

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICEApproved Through 05/20/04
OMB No. 1515-0052PETITION FOR REMISSION OR MITIGATION OF FORFEITURES
AND PENALTIES INCURRED

18 U.S.C. 1611; 19 CFR 171.11

| | |
|------------------------------------|---|
| 1. JAT <u>San Ysidro Border</u> | 2. SEIZURE CASE NO. <u>20082504 000313</u> |
|------------------------------------|---|

DESCRIPTION OF MERCHANDISE

3 Personal Checks, one for \$240,000, one for \$5,000 and 1 Blank Check.

All 3 Checks were from my Personal Bank Acct. Carried By my Brother Ata Niglsani.

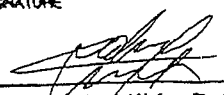
| | |
|---------------------------------|--|
| NAME <u>YUSROUN S. Mesle</u> | 3. ADDRESS <u>11587 Trailway Drive Riverside, CA. 92505</u> |
|---------------------------------|--|

Reason for the release of the seized above-described merchandise and for relief from the liability incurred because of the following mitigating circumstances.

I am petitioning for the release of 2 Bank Accounts from which 3 checks seized by U.S. Customs.

- ① Wells Fargo Bank - Acct. #122000247 - 3572585739
Yusrou S. Mesle - Account holder.
- ② Bank of America - Acct. #510000655 - 09672-07676
Yusrou S. Mesle - Account holder.

My Bank Accounts have been placed on "frozen" status. My Brother Ata Niglsani did ~~not~~ he had the checks in his port papers, but was not aware that carrying the check across the border was going to be a problem. He actually stated he had them folder with his cash. He went to Tijuana, Mexico for a day of shopping. He does not know U.S. Customs currency policies. And didn't realize the problem this will cause. ^{1st time this} See Attached paper

| | | |
|--|--|----------------------------|
| SIGNATURE  | 4. ADDRESS <u>11587 Trailway Dr. Riverside, CA. 92505</u> | 5. DATE <u>12/06/07</u> |
|--|--|----------------------------|

Information Production Act Notice: The Paperwork Reduction Act of 1995 says we must tell you why we are collecting this information, how we will use it, and whether you have to give it to us. We ask for this information to carry out the Customs Service laws of the United States. This form is used by those persons who are requesting mitigation of a penalty or remission of a forfeiture which has been incurred under the Customs laws of the United States. Completion of this form will permit the authorized Customs officer to grant mitigation or remission. It is required that the form be completed to obtain this benefit. No estimated average burden associated with this collection of information is 15 minutes per respondent or recordkeeper depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to U.S. Customs Service, Paperwork Management Branch, Washington DC 20226. DO NOT send completed form(s) to this office.

12/06/07

Seizure Case no -
2008 2504 000313

cont' question #6 -

This was an unintentional mistake on my
part on Abu Nighlam's behalf. I have
attached a copy of a Promissory Note dated
Nov. 7, 2007. From Joe Persekeian to me
Yaron S. Nesle. This will help you understand
where the sum of the check for \$240,000 -
came from. It was a loan to me. I have to
pay back.

Thank You -

Yaron S. Nesle
11587 Fairway Dr.
Riverside, CA 92505
951-371-0700 Office



Nov 14 07 02:29p

JOE PERSEKIAN

858-513-3736

p.1

\$200000

NOV. 7, 2007

PROMISSORY NOTE
Balloon Payment

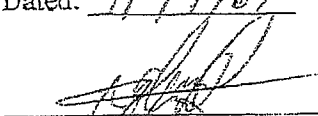
For value received, the undersigned promise(s) to pay to the order of JOE PERSEKIAN (hereinafter "Holder"), in legal tender, the sum of \$200000, with interest accruing thereon at the annual rate of 0 percent. This Note commences on NOV. 7, 2007 (hereinafter "Commencement Date"), and all obligations set forth herein are measured from this date. No payments of principal or interest are required to be paid until the due date, which due date is no later than ONE months after the Commencement Date.

In the event legal action is brought to recover on, or to secure payment on, the within Note, or in the event any party hereto, or assignee, files an action to interpret any provisions of this Note, the prevailing party in such action shall be entitled to such legal fees and costs of suit as determined by a court of law of competent jurisdiction to have been reasonably incurred in such action.

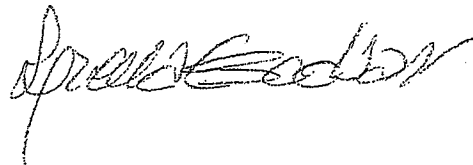
All payments and performance of the obligations under this Note shall be made at 15244 ESPOLA RD POWAY CA. 92064.

This Note shall be governed and interpreted under the laws of the State of CA.

Dated: 11/12/07.


YUBRAN MESLE

State of California
County of Los Angeles
on Nov 7, 2007



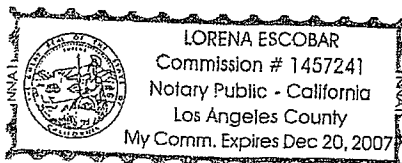


EXHIBIT “D”

U.S. CUSTOMS AND BORDER PROTECTION
SEIZED ASSET CLAIM FORM

This form should be used only if you want your case referred to the United States Attorney to initiate forfeiture proceedings in Federal Court.

Name: Yurben S. Neale
Address: 11367 Trailway Dr.
Riverside, CA 92505
Telephone No: (714) 333-5907
951-371-0700 office

Seizure No. 2008 2504 000313

(IMPORTANT: BE SURE TO
COMPLETE ALL PARTS BELOW)

As authorized by 18 USC 983(a)(2)(A), I request that the Government file a complaint for forfeiture on the seized property described below:

PART I

List all the items in which you claim an interest. Include sufficient information to identify the items, such as serial numbers, make and model numbers, aircraft tail numbers, photographs, and so forth. Attach additional sheets of paper if more space is needed.

3 Personal Checks - 2 Different Banks.

- ① Bank of America - check # 1040 - Acct. # 510000655 - 09672 - 67676
Amt - Blank check \$0.
- ② Bank of America - check # 730 - Acct. # 510000655 - 09672 - 67676
Amt. \$ 240,000 - dollars
- ③ Wells Fargo Bank - check # 1004 - Acct. # 122000247 - 3572585789
PART II \$ 5000 dollars.

State your interest in each item of property listed above. Attach additional sheets of paper if more space is needed.

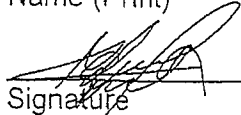
My interest in these checks are because they belong to me. They are not the property of my brother Ata Dighlani. It has cause my bank accounts to be "frozen". I need them, unseized and checks returned. It is affecting my livelihood and ability to survive.

PART III (ATTESTATION AND OATH)

I attest and declare under penalty of perjury that the information provided in support of my claim is true and correct to the best of my knowledge and belief.

Yurben S. Neale
Name (Print)

12/06/07
Date


Signature

A FALSE STATEMENT OR CLAIM MAY SUBJECT A PERSON TO PROSECUTION
UNDER 18 U.S.C. 1001 AND/OR 1621 AND IS PUNISHABLE BY A FINE AND UP TO
FIVE YEARS IMPRISONMENT.

EXHIBIT “E”

(U.S. Customs Use Only)

Control No.



DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE

Form Approved
OMB No. 1515-0079

**REPORT OF INTERNATIONAL
TRANSPORTATION OF CURRENCY
OR MONETARY INSTRUMENTS**

► This form is to be filed with the
United States Customs Service

► For Paperwork Reduction Act
Notice and Privacy Act Notice,
see back of form.

31 U.S.C. 5316; 31 CFR 103.23 and 103.25

► Please type or print.

Part I FOR INDIVIDUAL DEPARTING FROM OR ENTERING THE UNITED STATES

| | | | |
|--|--|--|---|
| 1. NAME (Last or family, first, and middle) <i>Mezle, Turhan S.</i> | | 2. IDENTIFYING NO. (See instructions) <i>CDL # 04073743</i> | 3. DATE OF BIRTH (Mo./Day/Yr.) <i>10 / 03 / 70</i> |
| 4. PERMANENT ADDRESS IN UNITED STATES OR ABROAD <i>11567 Trailway Dr. Riverside, CA 92505</i> | | 5. OF WHAT COUNTRY ARE YOU A CITIZEN/SUBJECT? <i>U.S.</i> | |
| 6. ADDRESS WHILE IN THE UNITED STATES <i>Same as above</i> | | 7. PASSPORT NO. & COUNTRY <i>N/A</i> | |
| 8. U.S. VISA DATE <i>N/A</i> | 9. PLACE UNITED STATES VISA WAS ISSUED <i>N/A</i> | | 10. IMMIGRATION ALIEN NO. (If any) <i>N/A</i> |
| 11. CURRENCY OR MONETARY INSTRUMENT WAS: (Complete 11A or 11B) | | | |
| A. EXPORTED | | B. IMPORTED | |
| Departed From: (City in U.S.) | Arrived At: (Foreign City/Country) | From: (Foreign City/Country) | At: (City in U.S.) |

Part II FOR PERSON SHIPPING, MAILING, OR RECEIVING CURRENCY OR MONETARY INSTRUMENTS

| | | | |
|--|---|--|------------------------------------|
| 12. NAME (Last or family, first, and middle) | | 13. IDENTIFYING NO. (See instructions) | 14. DATE OF BIRTH (Mo./Day/Yr.) |
| 15. PERMANENT ADDRESS IN UNITED STATES OR ABROAD | | 16. OF WHAT COUNTRY ARE YOU A CITIZEN/SUBJECT? | |
| 17. ADDRESS WHILE IN THE UNITED STATES | | 18. PASSPORT NO. & COUNTRY | |
| 19. U.S. VISA DATE | 20. PLACE UNITED STATES VISA WAS ISSUED | | 21. IMMIGRATION ALIEN NO. (If any) |
| 22. CURRENCY OR MONETARY INSTRUMENTS DATE SHIPPED | 23. CURRENCY OR MONETARY INSTRUMENTS <input type="checkbox"/> Shipped To <input type="checkbox"/> Received From | 24. IF THE CURRENCY OR MONETARY INSTRUMENT WAS MAILED, SHIPPED, OR TRANSPORTED COMPLETE BLOCKS A AND B. A. Method of Shipment (Auto, U.S. Mail, Public Carrier, etc.) B. Name of Transporter/Carrier | |
| DATE RECEIVED | NAME AND ADDRESS | | |

Part III CURRENCY AND MONETARY INSTRUMENT INFORMATION (SEE INSTRUCTIONS ON REVERSE) (To be completed by everyone)

| | | | |
|--|--|-----------------------|---|
| 25. TYPE AND AMOUNT OF CURRENCY/MONETARY INSTRUMENTS | | Value in U.S. Dollars | 26. IF OTHER THAN U.S. CURRENCY IS INVOLVED, PLEASE COMPLETE BLOCKS A AND B. (SEE SPECIAL INSTRUCTIONS) |
| Coins | <input type="checkbox"/> A. ► | \$ | A. Currency Name |
| Currency | <input type="checkbox"/> B. ► | | B. Country |
| Other Instruments (Specify Type) | <input checked="" type="checkbox"/> C. ► | <i>245,000</i> | |
| (Add lines A, B and C) TOTAL AMOUNT | | \$ | |

Part IV GENERAL - TO BE COMPLETED BY ALL TRAVELERS, SHIPPERS, AND RECIPIENTS

| | | | |
|---|---------|------------|---|
| 27. WERE YOU ACTING AS AN AGENT, ATTORNEY OR IN CAPACITY FOR ANYONE IN THIS CURRENCY OR MONETARY INSTRUMENT ACTIVITY? (If "Yes" complete A, B and C) <input type="checkbox"/> Yes <input type="checkbox"/> No | | | |
| PERSON IN WHOSE BEHALF YOU ARE ACTING | A. Name | B. Address | C. Business activity, occupation, or profession |

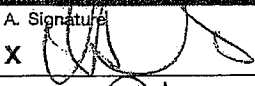
Under penalties of perjury, I declare that I have examined this report, and to the best of my knowledge and belief it is true, correct and complete.

| | | |
|--|---|-----------------------------|
| 28. NAME AND TITLE <i>[Signature]</i> | 29. SIGNATURE <i>Turhan S. Mezle</i> | 30. DATE <i>12/06/07</i> |
|--|---|-----------------------------|

(Replaces IRS Form 4790 which is obsolete.)

Customs Form 4790 (031695)

EXHIBIT “F”

| SENDER: COMPLETE THIS SECTION | | COMPLETE THIS SECTION ON DELIVERY | |
|--|--|---|--|
| <p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> | | <p>A. Signature <input checked="" type="checkbox"/>  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> | |
| <p>1. Article Addressed to:</p> <p>U.S. Customs & Border Protection Protection 9495 Customhouse Pl San Diego, CA 92154</p> | | <p>B. Received by (Printed Name) Omar Rodriguez</p> <p>C. Date of Delivery</p> | |
| <p>2. Article Number (Transfer from service label)</p> | | <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below <input type="checkbox"/> No</p> | |
| <p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> | | <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> | |

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-15

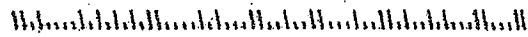
UNITED STATES POSTAL SERVICE

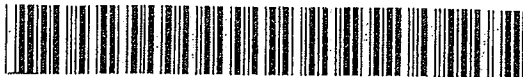


First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Yusuf S. Mesle
11587 Trailway Dr.
Riverside, CA 92505





EB 892991283 US

| ORIGIN (POSTAL SERVICE USE ONLY) | | | |
|--|---|----------------------------------|---------------------|
| PO ZIP Code 77575 | Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> 2nd <input type="checkbox"/> 2nd Del. Day | Postage \$ 16.25 | |
| Date Accepted 12-6-07 | Scheduled Date of Delivery Month Day 12-11-07 | Return Receipt Fee \$ 2.15 | |
| Time Accepted <input type="checkbox"/> AM <input type="checkbox"/> PM | Scheduled Time of Delivery <input type="checkbox"/> Noon <input type="checkbox"/> 3 PM | COD Fee \$ | Insurance Fee \$ |
| Flat Rate <input type="checkbox"/> or Weight lbs. 4 ozs. | Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day | Total Postage & Fees \$ 18.40 | |
| Int'l Alpha Country Code | | Acceptance Emp. Initials | |

FROM: (PLEASE PRINT) PHONE (951) 371-5700

U.S. Customs & Border Protection
3702 Ford Court Ct.
Ft. Worth, TX 76102
92503

FOR PICKUP OR TRACKING

Visit www.usps.com

Call 1-800-222-1811



UNITED STATES POSTAL SERVICE®

Post Office To Addressee

| DELIVERY (POSTAL USE ONLY) | | | |
|----------------------------|------|---|--------------------|
| Delivery Attempt | Time | <input type="checkbox"/> AM <input type="checkbox"/> PM | Employee Signature |
| Mo. Day | | | |
| Delivery Attempt | Time | <input type="checkbox"/> AM <input type="checkbox"/> PM | Employee Signature |
| Mo. Day | | | |
| Delivery Date | Time | <input type="checkbox"/> AM <input type="checkbox"/> PM | Employee Signature |
| Mo. Day | | | |

CUSTOMER USE ONLY

PAYMENT BY ACCOUNT
Express Mail Corporate Acct. No.

☐ WAIVER OF SIGNATURE (Domestic Mail Only)
Additional merchandise insurance is void if customer requests waiver of signature.
I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

Federal Agency Acct. No. or
Postal Service Acct. No.

☐ NO DELIVERY
☐ Weekend ☐ Holiday ☐ Mailer Signature

TO: (PLEASE PRINT) PHONE ()

U.S. Customs & Border Protection
3702 Ford Court Ct.
Ft. Worth, TX 76102
92503

ZIP + 4 (U.S. ADDRESSES ONLY. DO NOT USE FOR FOREIGN POSTAL CODES.)

92054 +

FOR INTERNATIONAL DESTINATIONS, WRITE COUNTRY NAME BELOW.



EB 892991270 US

| ORIGIN (POSTAL SERVICE USE ONLY) | | | |
|--|---|----------------------------------|---------------------|
| PO ZIP Code 77575 | Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> 2nd <input type="checkbox"/> 2nd Del. Day | Postage \$ 16.25 | |
| Date Accepted 12-6-07 | Scheduled Date of Delivery Month Day 12-11-07 | Return Receipt Fee \$ 2.15 | |
| Time Accepted <input type="checkbox"/> AM <input type="checkbox"/> PM | Scheduled Time of Delivery <input type="checkbox"/> Noon <input type="checkbox"/> 3 PM | COD Fee \$ | Insurance Fee \$ |
| Flat Rate <input type="checkbox"/> or Weight lbs. 4 ozs. | Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day | Total Postage & Fees \$ 18.40 | |
| Int'l Alpha Country Code | | Acceptance Emp. Initials | |

FROM: (PLEASE PRINT) PHONE (951) 371-5700

U.S. Customs & Border Protection
3702 Ford Court Ct.
Ft. Worth, TX 76102
92503

FOR PICKUP OR TRACKING

Visit www.usps.com

Call 1-800-222-1811



UNITED STATES POSTAL SERVICE®

Customer Copy
Label 11-B, March 2004

Post Office To Addressee

| DELIVERY (POSTAL USE ONLY) | | | |
|----------------------------|------|---|--------------------|
| Delivery Attempt | Time | <input type="checkbox"/> AM <input type="checkbox"/> PM | Employee Signature |
| Mo. Day | | | |
| Delivery Attempt | Time | <input type="checkbox"/> AM <input type="checkbox"/> PM | Employee Signature |
| Mo. Day | | | |
| Delivery Date | Time | <input type="checkbox"/> AM <input type="checkbox"/> PM | Employee Signature |
| Mo. Day | | | |

CUSTOMER USE ONLY

PAYMENT BY ACCOUNT
Express Mail Corporate Acct. No.

☐ WAIVER OF SIGNATURE (Domestic Mail Only)
Additional merchandise insurance is void if customer requests waiver of signature.
I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

Federal Agency Acct. No. or
Postal Service Acct. No.

☐ NO DELIVERY
☐ Weekend ☐ Holiday ☐ Mailer Signature

TO: (PLEASE PRINT) PHONE ()

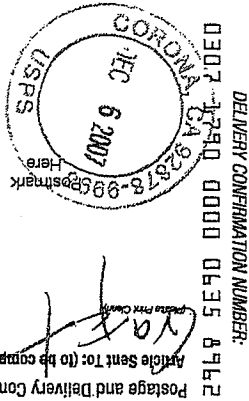
U.S. Customs & Border Protection
3702 Ford Court Ct.
Ft. Worth, TX 76102
92503

ZIP + 4 (U.S. ADDRESSES ONLY. DO NOT USE FOR FOREIGN POSTAL CODES.)

92054 +

FOR INTERNATIONAL DESTINATIONS, WRITE COUNTRY NAME BELOW.

☐ Package Services parcel
☐ First-Class Mail parcel
☒ Priority Mail Service
 CHECK ONE (POSTAL USE ONLY)
 or call 1-800-222-1811
 www.usps.com
 Access internet web site at
 Keep this receipt. For inquiries:
POSTAL CUSTOMER:



U.S. Postal Service™ Delivery Confirmation™ Receipt

Postage and Delivery Confirmation fees must be paid before mailing.

Article Sent To: (to be completed by mailer)

CORONA POST OFFICE
 CORONA, California
 928789998
 0569390740 -0098
 12/06/2007 (800)275-8777 02:04:19 PM

| Product Description | Sales Receipt | | Final Price |
|---------------------|---------------|------------|-------------|
| | Sale Qty | Unit Price | |

| | | | |
|--------------------------|--|--|---------|
| SAN DIEGO CA 92154 | | | \$16.25 |
| Zone-2 Express Mail | | | |
| PO-Add Flat Rate | | | |
| 3.40 oz. | | | |
| Label #: EB892991270US | | | |
| Next Day Noon / Normal | | | |
| Delivery | | | |
| Return Rcpt (Green Card) | | | \$2.15 |

Issue PVI: \$18.40

| | | | |
|--------------------------|--|--|---------|
| SAN DIEGO CA 92154 | | | \$16.25 |
| Zone-2 Express Mail | | | |
| PO-Add Flat Rate | | | |
| 3.70 oz. | | | |
| Label #: EB892991283US | | | |
| Next Day Noon / Normal | | | |
| Delivery | | | |
| Return Rcpt (Green Card) | | | \$2.15 |

Issue PVI: \$18.40

| | | | |
|-------------------------------|--|--|--------|
| NOVATO CA 94948 Zone-4 | | | \$4.60 |
| Priority Mail Flat Rate | | | |
| Env | | | |
| 1.90 oz. | | | |
| Delivery Confirmation | | | \$0.65 |
| Label #: 03071790000006358962 | | | |

Issue PVI: \$5.25

Total: \$42.05

Paid by:
 Cash \$42.05

Order stamps at USPS.com/shop or call
 1-800-Stamp24. Go to USPS.com/clicknship
 to print shipping labels with postage.
 For other information call 1-800-ASK-USPS.

Bill#: 1000202614813
 Clerk: 10

All sales final on stamps and postage.
 Refunds for guaranteed services only.
 Thank you for your business.

HELP US SERVE YOU BETTER

Go to: <http://gx.gallup.com/pos>

TELL US ABOUT YOUR RECENT
 POSTAL EXPERIENCE

YOUR OPINION COUNTS

Customer Copy

EXHIBIT “G”

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 FEB 21 PM 4:51

In the Matter of the Seizure of
(Address or brief description of property or premises to be seized)

APPLICATION AND AFFIDAVIT
FOR SEIZURE WARRANT

BANK OF AMERICA
Account: 09672 67676
The Funds on Deposit up to
\$240,000.00

CASE NUMBER: '08 MJ 05 13

I, Lisa M. Tracy, being duly sworn depose and say:

I am a Senior Special Agent with United States Immigration and Customs Enforcement (ICE),

Official Title

and I have reason to believe that due to a violation which occurred in the Southern District of California, that there is now certain forfeitable property, namely:

THE FUNDS ON DEPOSIT, Limited to \$240,000.00, from BANK of AMERICA,
Account: 09672 67676

which property is traceable to personal check number #730, dated November 28, 2007, written for the amount of \$240,000.00, drawn on BANK OF AMERICA Bank account number: 09672 67676, which was transported into the United States, in bearer form, which transportation was not reported, in violation of Title 31 United States Code, Section 5316 and 5332. The United States Government seeks forfeiture of the funds traceable to personal check number #730, pursuant to Title 31, United States Code, Section 5317. The facts to support a finding of Probable Cause are as follows:

SEE ATTACHED AFFIDAVIT, WHICH IS HEREBY INCORPORATED BY REFERENCE AND MADE A PART HEREOF.

Sworn to before me, and subscribed in my presence

2/21/08, 1611 hrs at San Diego, California
Date/Time issued

Signature of Affiant

Lisa M. Tracy

Honorable WILLIAM MCCURINE, JR.

United States Magistrate Judge
Name and Title of Judicial Officer

W. McCurine Jr.
Signature of Judicial Officer

MSH

AFFIDAVIT IN SUPPORT OF AN APPLICATION
FOR SEIZURE WARRANT

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)

I, Lisa M. Tracy, Senior Special Agent (SSA), United States Immigration and Customs Enforcement (ICE), being duly sworn, depose and state:

A. EXPERIENCE AND TRAINING

1. I have over 14 years experience as a federal law enforcement officer. I have been a Special Agent for 12 years, first with the Immigration and Naturalization Service, and then with Immigration and Customs Enforcement. During my time in service, I have investigated numerous border crimes of varying complexity. I have been assigned to Financial Investigations since May of 2004.

2. Throughout my law enforcement career, I have participated in and or executed numerous searches, seizures, and arrests. I have also applied for warrants to conduct searches, seizures, and arrests. I am familiar with the enforcement of laws relating to Immigration and Customs violations, money laundering, and asset forfeiture.

1 **B. PROPERTY TO BE SEIZED**

2 3. This affidavit is made in support of the application
3 for seizure warrants for the following assets:

4
5 **Funds on Deposit in BANK OF AMERICA Account**

6 **Number: 09672 67676, up to \$240,000.000; BANK**

7 **OF AMERICA, Lincoln-Tustin, 2680 N Tustin**

8 **Ave., Orange, CA; Phone 714-533-4470; Account**

9 **Holder: Yubran MESLE;.**

10
11 **Funds on Deposit in WELLS FARGO Account Number: 3572585739**

12 **up to \$5,000.00; WELLS FARGO Bank, N. A.; California,;**

13 **Account Holder: Yubran S MESLE.**

14
15 **C. STATUTORY BASIS FOR SEIZURE AND FORFEITURE**

16 4. As set forth below, there is probable cause to believe
17 that on or about November 8, 2007, Ata DIGHLAWI failed to report
18 the transportation of Monetary Instruments, in bearer form, in
19 excess of \$10,000.00 into the United States, from Mexico, in
20 violation of Title 31, Sections 5316 and 5332. There is also
21 probable cause to believe, the funds on deposit in BANK OF
22 AMERICA Bank account: 09672 67676, up to \$240,000.00, and the
23 funds on deposit in WELLS FARGO Bank account: 3572585739, up to
24 \$5,000.00, are traceable to the monetary instruments seized by
25 the United States government for violation of Title 31 of the

1 U.S.C. Sections 5316 and 5332. The government seeks to civilly
2 forfeit the funds traceable to the monetary instruments
3 described herein in paragraphs 13 and 14, pursuant to Title 31
4 United States Code, Section 5317.

5 4(a). Title 31, United States Code, Section 5316(a)
6 provides that a person shall file a report under Section 5316(b)
7 when the person transports, is about to transport, or has
8 transported monetary instruments of more than \$10,000.00 in U.S.
9 dollars at one time to a place in the United States from or
10 through a place outside the United States.

11 4(b). Title 31, United States Code, Section 5324
12 provides that no person shall, for the purpose of evading the
13 reporting requirements of section 5316, fail to file a report
14 required by section 5316 or cause or attempt to cause a person
15 to fail to file such a report. Section 5324(d) provides whoever
16 violates this section shall be fined in accordance with Title
17 18, United States Code, imprisoned for 5 years, or both.

18 4(c). The term "monetary instrument" is defined by the
19 Secretary of the Treasury. The definition is provided at 31 CFR
20 103.11. "Monetary Instruments" includes, currency, Traveler's
21 checks in any form, all negotiable instruments - including,
22 inter alia, personal checks, business checks, third party checks
23 - that are either in bearer form, endorsed without restriction,
24 made out to a fictitious payee, or otherwise in such form that
25 title thereto passes upon delivery. "Monetary Instruments" also

1 includes incomplete instruments - including, inter alia,
2 personal checks, business checks, third-party checks signed but
3 with the payee's name omitted.

4 5. Pursuant to 28 U.S.C. § 1355(b) and 18 U.S.C.
5 § 981(b)(3) (made effective under the Civil Asset Forfeiture
6 Reform Act of 2000), this Court may issue seizure warrants for
7 property located outside the district when acts or omissions
8 giving rise to forfeiture occurred in this district. Here, the
9 failure to report the transportation of a monetary instrument in
10 excess of \$10,000.00 into the United States, occurred within
11 this district. The subject property is located in the Central
12 District of California.

13
14 5(a). Title 18, United States Code, Section 981(b)(3)
15 provides, a seizure warrant may be issued pursuant to this
16 subsection by a judicial officer in any district in which a
17 forfeiture action against the property may be filed under Title
18 28, United States Code, Section 1355(b), and may be executed in
19 any district in which the property is found.

20 5(b). Title 28, United States Code Section 1355(b)(1)
21 provides a forfeiture action or proceeding may be brought in (A)
22 the district court for the district in which any of the acts or
23 omissions giving rise to the forfeiture occurred; or (B) any
24 other district where venue for the forfeiture action or
25

1 proceeding is specifically provided for in section 1395 of this
2 title or any other statute.

3 **D. BASIS FOR FACTS CONTAINED IN THIS AFFIDAVIT**

4 6. I make this affidavit based on oral and written
5 reports about this investigation that I have received from
6 federal agents of the Department of Homeland Security,
7 Immigration and Customs Enforcement (ICE) and Customs and Border
8 Protection(CBP).

9 7. Except where otherwise noted, the information set
10 forth in this affidavit has been provided to me directly or
11 indirectly by Special Agents of ICE and/or CBP. Unless
12 otherwise noted, wherever in this affidavit I assert that a
13 statement was made, the information was provided to me by
14 another law enforcement officer.

15 8. Because this affidavit is being submitted for the
16 limited purpose of securing seizure warrants for the deposited
17 funds traceable to monetary instruments seized by the United
18 States Government, I have not set forth each and every fact
19 learned during the course of this investigation. I have set
20 forth only the facts that I believe are necessary to establish
21 the foundation for the purpose requested above.

22 **E. FACTS AND CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE**

23 9. On November 8, 2007, ICE Special Agent Glenn
24 MacDonald, an ICE agent assigned to the Financial Task Force,
25 was notified of a incident at the San Ysidro Port of Entry

1 involving the seizure of monetary instruments. On November 8,
2 2007, Agent MacDonald responded to the call, arrived at the San
3 Ysidro, California, Port of Entry, and determined the following:

4 10. On November 8, 2007, at approximately 8:30 pm, Ata
5 DIGHLAWI (driver) and Ahmad AYESH (passenger) applied for entry
6 at the San Ysidro, California, Port of Entry (POE) while in a
7 silver GMC Sierra (CAUS/8J51268). DIGHLAWI handed Customs and
8 Border Protection (CBP) Primary Officer Danilo CAYAS two
9 California driver's licenses and declared himself to be a U.S.
10 citizen. The passenger, AYESH, also claimed to be a U.S.
11 citizen. Officer Cayas received two negative Customs
12 declarations from DIGHWALI. Officer Cayas referred DIGHLAWI to
13 secondary inspection.
14

15 11. On November 8, 2007, at approximately 9:00 pm, CBP
16 Officer Sean Richardson was assigned to conduct the secondary
17 inspections at the San Ysidro, California Port of Entry. CBP
18 Officer Richardson inspected the silver GMC Sierra
19 (CAUS/8J51268) with the assistance of CBP Officer A. Inouye.
20 During his inspection, Officer Richardson discovered a grey
21 plastic bag in the center console that contained 29 credit
22 cards. Several of the credit cards had the same number but
23 different names associated with them.
24

25 12. Agents MacDonald and Dimeglio contacted several credit
card companies in relation to the 29 credit cards found in the

1 center console. Some of the credit card issuing companies
2 requested that the cards be returned to them.

3 13. While conducting secondary inspection, CBP Officer
4 Inouye also discovered a receipt from Western Union regarding
5 money that was sent to Pakistan.

6 14. Ata DIGHLAWI (driver) and Ahmad AYESH (passenger) were
7 also in possession of various bank deposit slips and receipts,
8 several different individuals' biographical information,
9 including social security numbers, a default letter to Mahbuba
10 DIGHLAWI from CHASE, Arabic writing, various passwords,
11 telephone numbers and a list of things to do.

12 15. In my experience, it is unusual for people to carry
13 other peoples' biographical information, multiple credit cards
14 issued to other individuals, and or fictitious names, and it is
15 frequently a sign of illegal activities.

16 16. During the secondary inspection, Officer Inouye
17 discovered three negotiable monetary instruments in the center
18 console. All three instruments were signed personal checks, in
19 bearer form, written from the accounts of Yubran MESLE, later
20 determined to be the brother of the driver, Ata DIGHLAWI and the
21 uncle of the passenger, Ahmad AYESH. The Payee information is
22 blank for all three checks, and none of the checks were
23 endorsed. A description of the instruments is as follows:
24
25

1 17. Personal Check #730, dated November 28, 2007, for
2 \$240,000.00 drawn on Bank of America Account number: 09672
3 67676.

4 18. Personal check #1004, dated November 10, 2007, for
5 \$5,000.00 drawn on Wells Fargo account number: 3572585739.

6 19. Personal check, #1040, not dated, amount blank, drawn
7 on Bank of America account number: 24547 67190.

8 20. CBP officials determined that there were funds on
9 deposit in the bank accounts for personal checks #730 and #1004.
10 CBP Officials also determined that the account for personal
11 check #1040 was closed.
12

13 21. On November 9, 2007, at about 1:25 am, during a post-
14 Miranda interview, with ICE agents Glenn MacDonald and Joseph
15 Dimeglio, Ata DIGHLAWI claimed ownership of all three negotiable
16 instruments. Ata DIGHLAWI claimed that the money from the
17 checks was a payment to him (Ata DIGHLAWI) from his brother,
18 Yubran MESLE, the issuer of the checks. DIGHLAWI told agents
19 that he (DIGHLAWI) had loaned his brother, Yubran MESLE, some
20 money in the past, and that Yubran MESLE was in the process of
21 paying him back.

22 22. Ata DIGHLAWI stated that the payee information on the
23 checks was left blank, because sometimes he has trouble with the
24 banks, and he was not sure which name the bank would want him to
25 use.

1 23. Both Ata DIGHLAWI and his brother, Yubran MESLE, have
2 numerous aliases.

3 24. During the interview, Ata DIGHLAWI acknowledged to
4 agents that he has moved money out of the United States to
5 Pakistan on the behalf of other people in the past.

6 25. Ata DIGHLAWI stated that he and his nephew, Ahmad
7 AYESH, who both reside in Riverside County, California, had gone
8 to Mexico to look for a dentist. DIGHLAWI stated that they
9 entered Mexico, from the United States, around 3:30 pm, that
10 same day, November 8, 2007.

11 26. Ata DIGHLAWI stated that after driving around for a
12 few hours, they never found a dentist and decided to return to
13 the United States.

14 27. Records checks indicate that on or about March 23,
15 1997, Ata DIGHLAWI filed a Currency and Monetary Instrument
16 Report for \$64,500.00 in currency, and \$75,000.00 in the form of
17 a bearer instrument (total amount \$139,500.00), upon his arrival
18 to the United States at Houston, Texas, from Managua, Nicaragua.

19 28. Record checks indicate that on or about April 23,
20 1999, Ata DIGHLAWI a Currency Transaction Report was filed for a
21 cash deposit of \$17,200.00, which was made at Bank of America,
22 in Escondido, California.

23 29. Records checks indicate that Ata DIGHLAWI was
24 convicted of federal drug violations in February of 2002 and was
25

1 sentenced to 57 months prison. His brother, Yubran MESLE, pled
2 guilty in December of 2004 to possession of Amphetamines and was
3 sentenced to 46 months prison.

4
5 **F. KNOWLEDGE**

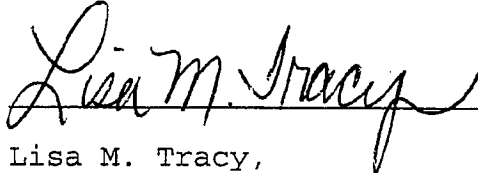
6 30. Based upon the facts presented above, there is
7 probable cause to believe that Ata DIGHLAWI is familiar with the
8 reporting requirements relating to large cash transactions in
9 excess of \$10,00.00. There is also probable cause to believe
10 that Ata DIGHLAWI is aware of the reporting requirements
11 relating to the reporting of Currency and Monetary Instruments
12 in excess of \$10,000.00 when entering or departing the United
13 States. There is also probable cause to believe that Ata
14 DIGHLAWI's failure to report the transportation of monetary
15 instruments in bearer form, in excess of \$10,000.00 was
16 intentional.

17
18 **G. CONCLUSION**

19 31. Based on the foregoing, there is probable cause to
20 believe that the funds on deposit in Bank of America Account
21 #09672 67676, held in the name of Yubran Mesle up to the amount
22 of \$240,000, is property traceable to one of the monetary
23 instruments involved in the November 8, 2007 violation of 31
24 U.S.C. §§ 5316 and 5324 is forfeitable pursuant to 31 U.S.C §
25 5317 (c) (2).

1 32. Based on the foregoing there is also probable cause to
2 believe that the funds on deposit in Wells Fargo Bank account
3 #3572585739, held in the name of Yubran S. Mesle up to the
4 amount of \$5000 is property traceable to one of the monetary
5 instruments involved in the November 8, 2007 violation of 31
6 U.S.C. §§ 5316 and 5324 and is forfeitable pursuant to 31 U.S.C.
7 §5317(c).

8 33. Therefore, the affiant requests seizure warrants for
9 the funds on deposit, up to \$240,000.00, at Bank of America,
10 account 09672 67676, and the funds on deposit, up to \$5,000.00,
11 at Wells Fargo Bank, account 3572585739.

12
13 
14

15 Lisa M. Tracy,
16 Senior Special Agent,
U.S. Immigration and Customs
Enforcement

17 Subscribed and sworn before me this 21st day of February, 2008.

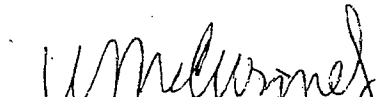
18 
19 _____
20 United States Magistrate Judge
21 Southern District of California
22
23
24
25

EXHIBIT “H”

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 FEB 21 PM 4:52

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

In the Matter of the Seizure of
(Address or brief description of property or premises to be seized)

WELLS FARGO BANK
Account: 3572585739
The Funds on Deposit up to
\$5,000.00

APPLICATION AND AFFIDAVIT
FOR SEIZURE WARRANT

CASE NUMBER: '08 MJ 0514

I, Lisa M. Tracy, being duly sworn depose and say:

I am a Senior Special Agent with United States Immigration and Customs Enforcement (ICE),
Official Title

and I have reason to believe that due to a violation which occurred in the Southern District of California, that there is now certain forfeitable property, namely:

THE FUNDS ON DEPOSIT, Limited to \$5,000.00 from WELLS FARGO BANK
Account: 3572585739

which property is traceable to personal check number #1004, dated November 10, 2007, written for the amount of \$5,000.00, drawn on WELLS FARGO BANK. Bank account number: 3572585739, which was transported into the United States, in bearer form, which transportation was not reported, in violation of Title 31 United States Code, Section 5316 and 5332. The United States Government seeks forfeiture of the funds traceable to personal check number #1004, pursuant to Title 31, United States Code, Section 5317. The facts to support a finding of Probable Cause are as follows:

SEE ATTACHED AFFIDAVIT, WHICH IS HEREBY INCORPORATED BY REFERENCE AND MADE A PART HEREOF.

Sworn to before me, and subscribed in my presence

2/2/08, 1:13 PM at San Diego, California
Date/Time issued

Signature of Affiant

Lisa M. Tracy

Honorable WILLIAM MCCURINE, JR.

United States Magistrate Judge
Name and Title of Judicial Officer

W. McCurine Jr.

Signature of Judicial Officer

P. 35/69

AFFIDAVIT IN SUPPORT OF AN APPLICATION
FOR SEIZURE WARRANT

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)

I, Lisa M. Tracy, Senior Special Agent (SSA), United States Immigration and Customs Enforcement (ICE), being duly sworn, depose and state:

A. EXPERIENCE AND TRAINING

1. I have over 14 years experience as a federal law enforcement officer. I have been a Special Agent for 12 years, first with the Immigration and Naturalization Service, and then with Immigration and Customs Enforcement. During my time in service, I have investigated numerous border crimes of varying complexity. I have been assigned to Financial Investigations since May of 2004.

2. Throughout my law enforcement career, I have participated in and or executed numerous searches, seizures, and arrests. I have also applied for warrants to conduct searches, seizures, and arrests. I am familiar with the enforcement of laws relating to Immigration and Customs violations, money laundering, and asset forfeiture.

1 **B. PROPERTY TO BE SEIZED**

2 3. This affidavit is made in support of the application
3 for seizure warrants for the following assets:

4
5 **Funds on Deposit in BANK OF AMERICA Account**

6 **Number: 09672 67676, up to \$240,000.000; BANK**

7 **OF AMERICA, Lincoln-Tustin, 2680 N Tustin**

8 **Ave., Orange, CA; Phone 714-533-4470; Account**

9 **Holder: Yubran MESLE;.**

10
11 **Funds on Deposit in WELLS FARGO Account Number: 3572585739**

12 **up to \$5,000.00; WELLS FARGO Bank, N. A.; California,;**

13 **Account Holder: Yubran S MESLE.**

14
15 **C. STATUTORY BASIS FOR SEIZURE AND FORFEITURE**

16 4. As set forth below, there is probable cause to believe
17 that on or about November 8, 2007, Ata DIGHLAWI failed to report
18 the transportation of Monetary Instruments, in bearer form, in
19 excess of \$10,000.00 into the United States, from Mexico, in
20 violation of Title 31, Sections 5316 and 5332. There is also
21 probable cause to believe, the funds on deposit in BANK OF
22 AMERICA Bank account: 09672 67676, up to \$240,000.00, and the
23 funds on deposit in WELLS FARGO Bank account: 3572585739, up to
24 \$5,000.00, are traceable to the monetary instruments seized by
25 the United States government for violation of Title 31 of the

1 U.S.C. Sections 5316 and 5332. The government seeks to civilly
2 forfeit the funds traceable to the monetary instruments
3 described herein in paragraphs 13 and 14, pursuant to Title 31
4 United States Code, Section 5317.

5 4(a). Title 31, United States Code, Section 5316(a)
6 provides that a person shall file a report under Section 5316(b)
7 when the person transports, is about to transport, or has
8 transported monetary instruments of more than \$10,000.00 in U.S.
9 dollars at one time to a place in the United States from or
10 through a place outside the United States.

11 4(b). Title 31, United States Code, Section 5324
12 provides that no person shall, for the purpose of evading the
13 reporting requirements of section 5316, fail to file a report
14 required by section 5316 or cause or attempt to cause a person
15 to fail to file such a report. Section 5324(d) provides whoever
16 violates this section shall be fined in accordance with Title
17 18, United States Code, imprisoned for 5 years, or both.

18 4(c). The term "monetary instrument" is defined by the
19 Secretary of the Treasury. The definition is provided at 31 CFR
20 103.11. "Monetary Instruments" includes, currency, Traveler's
21 checks in any form, all negotiable instruments - including,
22 inter alia, personal checks, business checks, third party checks
23 - that are either in bearer form, endorsed without restriction,
24 made out to a fictitious payee, or otherwise in such form that
25 title thereto passes upon delivery. "Monetary Instruments" also

1 includes incomplete instruments - including, inter alia,
2 personal checks, business checks, third-party checks signed but
3 with the payee's name omitted.

4 5. Pursuant to 28 U.S.C. § 1355(b) and 18 U.S.C.
5 § 981(b)(3) (made effective under the Civil Asset Forfeiture
6 Reform Act of 2000), this Court may issue seizure warrants for
7 property located outside the district when acts or omissions
8 giving rise to forfeiture occurred in this district. Here, the
9 failure to report the transportation of a monetary instrument in
10 excess of \$10,000.00 into the United States, occurred within
11 this district. The subject property is located in the Central
12 District of California.

13
14 5(a). Title 18, United States Code, Section 981(b)(3)
15 provides, a seizure warrant may be issued pursuant to this
16 subsection by a judicial officer in any district in which a
17 forfeiture action against the property may be filed under Title
18 28, United States Code, Section 1355(b), and may be executed in
19 any district in which the property is found.

20 5(b). Title 28, United States Code Section 1355(b)(1)
21 provides a forfeiture action or proceeding may be brought in (A)
22 the district court for the district in which any of the acts or
23 omissions giving rise to the forfeiture occurred; or (B) any
24 other district where venue for the forfeiture action or
25

1 proceeding is specifically provided for in section 1395 of this
2 title or any other statute.

3 **D. BASIS FOR FACTS CONTAINED IN THIS AFFIDAVIT**

4 6. I make this affidavit based on oral and written
5 reports about this investigation that I have received from
6 federal agents of the Department of Homeland Security,
7 Immigration and Customs Enforcement (ICE) and Customs and Border
8 Protection(CBP).

9 7. Except where otherwise noted, the information set
10 forth in this affidavit has been provided to me directly or
11 indirectly by Special Agents of ICE and/or CBP. Unless
12 otherwise noted, wherever in this affidavit I assert that a
13 statement was made, the information was provided to me by
14 another law enforcement officer.

15 8. Because this affidavit is being submitted for the
16 limited purpose of securing seizure warrants for the deposited
17 funds traceable to monetary instruments seized by the United
18 States Government, I have not set forth each and every fact
19 learned during the course of this investigation. I have set
20 forth only the facts that I believe are necessary to establish
21 the foundation for the purpose requested above.

22 **E. FACTS AND CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE**

23 9. On November 8, 2007, ICE Special Agent Glenn
24 MacDonald, an ICE agent assigned to the Financial Task Force,
25 was notified of a incident at the San Ysidro Port of Entry

1 involving the seizure of monetary instruments. On November 8,
2 2007, Agent MacDonald responded to the call, arrived at the San
3 Ysidro, California, Port of Entry, and determined the following:

4 10. On November 8, 2007, at approximately 8:30 pm, Ata
5 DIGHLAWI (driver) and Ahmad AYESH (passenger) applied for entry
6 at the San Ysidro, California, Port of Entry (POE) while in a
7 silver GMC Sierra (CAUS/8J51268). DIGHLAWI handed Customs and
8 Border Protection (CBP) Primary Officer Danilo CAYAS two
9 California driver's licenses and declared himself to be a U.S.
10 citizen. The passenger, AYESH, also claimed to be a U.S.
11 citizen. Officer Cayas received two negative Customs
12 declarations from DIGHWALI. Officer Cayas referred DIGHLAWI to
13 secondary inspection.
14

15 11. On November 8, 2007, at approximately 9:00 pm, CBP
16 Officer Sean Richardson was assigned to conduct the secondary
17 inspections at the San Ysidro, California Port of Entry. CBP
18 Officer Richardson inspected the silver GMC Sierra
19 (CAUS/8J51268) with the assistance of CBP Officer A. Inouye.
20 During his inspection, Officer Richardson discovered a grey
21 plastic bag in the center console that contained 29 credit
22 cards. Several of the credit cards had the same number but
23 different names associated with them.
24

25 12. Agents MacDonald and Dimeglio contacted several credit
card companies in relation to the 29 credit cards found in the

1 center console. Some of the credit card issuing companies
2 requested that the cards be returned to them.

3 13. While conducting secondary inspection, CBP Officer
4 Inouye also discovered a receipt from Western Union regarding
5 money that was sent to Pakistan.

6 14. Ata DIGHLAWI (driver) and Ahmad AYESH (passenger) were
7 also in possession of various bank deposit slips and receipts,
8 several different individuals' biographical information,
9 including social security numbers, a default letter to Mahbuba
10 DIGHLAWI from CHASE, Arabic writing, various passwords,
11 telephone numbers and a list of things to do.

12 15. In my experience, it is unusual for people to carry
13 other peoples' biographical information, multiple credit cards
14 issued to other individuals, and or fictitious names, and it is
15 frequently a sign of illegal activities.

16 16. During the secondary inspection, Officer Inouye
17 discovered three negotiable monetary instruments in the center
18 console. All three instruments were signed personal checks, in
19 bearer form, written from the accounts of Yubran MESLE, later
20 determined to be the brother of the driver, Ata DIGHLAWI and the
21 uncle of the passenger, Ahmad AYESH. The Payee information is
22 blank for all three checks, and none of the checks were
23 endorsed. A description of the instruments is as follows:
24
25

1 17. Personal Check #730, dated November 28, 2007, for
2 \$240,000.00 drawn on Bank of America Account number: 09672
3 67676.

4 18. Personal check #1004, dated November 10, 2007, for
5 \$5,000.00 drawn on Wells Fargo account number: 3572585739.

6 19. Personal check, #1040, not dated, amount blank, drawn
7 on Bank of America account number: 24547 67190.

8 20. CBP officials determined that there were funds on
9 deposit in the bank accounts for personal checks #730 and #1004.
10 CBP Officials also determined that the account for personal
11 check #1040 was closed.
12

13 21. On November 9, 2007, at about 1:25 am, during a post-
14 Miranda interview, with ICE agents Glenn MacDonald and Joseph
15 Dimeglio, Ata DIGHLAWI claimed ownership of all three negotiable
16 instruments. Ata DIGHLAWI claimed that the money from the
17 checks was a payment to him (Ata DIGHLAWI) from his brother,
18 Yubran MESLE, the issuer of the checks. DIGHLAWI told agents
19 that he (DIGHLAWI) had loaned his brother, Yubran MESLE, some
20 money in the past, and that Yubran MESLE was in the process of
21 paying him back.

22 22. Ata DIGHLAWI stated that the payee information on the
23 checks was left blank, because sometimes he has trouble with the
24 banks, and he was not sure which name the bank would want him to
25 use.

1 23. Both Ata DIGHLAWI and his brother, Yubran MESLE, have
2 numerous aliases.

3 24. During the interview, Ata DIGHLAWI acknowledged to
4 agents that he has moved money out of the United States to
5 Pakistan on the behalf of other people in the past.

6 25. Ata DIGLAWI stated that he and his nephew, Ahmad
7 AYESH, who both reside in Riverside County, California, had gone
8 to Mexico to look for a dentist. DIGHLAWI stated that they
9 entered Mexico, from the United States, around 3:30 pm, that
10 same day, November 8, 2007.

11 26. Ata DIGHLAWI stated that after driving around for a
12 few hours, they never found a dentist and decided to return to
13 the United States.

14 27. Records checks indicate that on or about March 23,
15 1997, Ata DIGHLAWI filed a Currency and Monetary Instrument
16 Report for \$64,500.00 in currency, and \$75,000.00 in the form of
17 a bearer instrument (total amount \$139,500.00), upon his arrival
18 to the United States at Houston, Texas, from Managua, Nicaragua.

19 28. Record checks indicate that on or about April 23,
20 1999, Ata DIGHLAWI a Currency Transaction Report was filed for a
21 cash deposit of \$17,200.00, which was made at Bank of America,
22 in Escondido, California.

23 29. Records checks indicate that Ata DIGHLAWI was
24 convicted of federal drug violations in February of 2002 and was
25

1 sentenced to 57 months prison. His brother, Yubran MESLE, pled
2 guilty in December of 2004 to possession of Amphetamines and was
3 sentenced to 46 months prison.

4
5 **F. KNOWLEDGE**

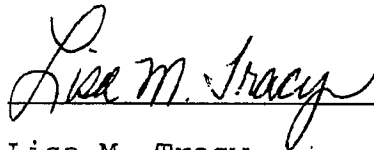
6 30. Based upon the facts presented above, there is
7 probable cause to believe that Ata DIGHLAWI is familiar with the
8 reporting requirements relating to large cash transactions in
9 excess of \$10,00.00. There is also probable cause to believe
10 that Ata DIGHLAWI is aware of the reporting requirements
11 relating to the reporting of Currency and Monetary Instruments
12 in excess of \$10,000.00 when entering or departing the United
13 States. There is also probable cause to believe that Ata
14 DIGHLAWI's failure to report the transportation of monetary
15 instruments in bearer form, in excess of \$10,000.00 was
16 intentional.

17
18 **G. CONCLUSION**

19 31. Based on the foregoing, there is probable cause to
20 believe that the funds on deposit in Bank of America Account
21 #09672 67676, held in the name of Yubran Mesle up to the amount
22 of \$240,000, is property traceable to one of the monetary
23 instruments involved in the November 8, 2007 violation of 31
24 U.S.C. §§ 5316 and 5324 is forfeitable pursuant to 31 U.S.C §
25 5317 (c) (2).

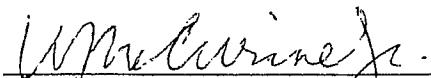
1 32. Based on the foregoing there is also probable cause to
2 believe that the funds on deposit in Wells Fargo Bank account
3 #3572585739, held in the name of Yubran S. Mesle up to the
4 amount of \$5000 is property traceable to one of the monetary
5 instruments involved in the November 8, 2007 violation of 31
6 U.S.C. §§ 5316 and 5324 and is forfeitable pursuant to 31 U.S.C.
7 §5317(c).

8 33. Therefore, the affiant requests seizure warrants for
9 the funds on deposit, up to \$240,000.00, at Bank of America,
10 account 09672 67676, and the funds on deposit, up to \$5,000.00,
11 at Wells Fargo Bank, account 3572585739.

12
13 

14 Lisa M. Tracy,
15 Senior Special Agent,
16 U.S. Immigration and Customs
Enforcement

17 Subscribed and sworn before me this 21st day of February, 2008.

18 

19 United States Magistrate Judge
20 Southern District of California
21
22
23
24
25

EXHIBIT “I”

1 RICHARD M. BARNETT
2 A Professional Law Corporation
3 California Bar Number 65132
4 105 West F Street, 4th Floor
5 San Diego, CA 92101
6 Telephone: (619) 231-1182
7 Email: rmb-atty@pacbell.net

8 Attorney for Claimant Yubran Mesle

9 IN THE UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 SIGNED PERSONAL CHECK NO. 730
15 OF YUBRAN S. MESLE, DRAWN
16 FROM BANK OF AMERICA ACCOUNT
17 NO. 09672 67676 IN THE
18 AMOUNT OF \$240,000.00 IN
19 U.S. CURRENCY;

20 SIGNED PERSONAL CHECK NO. 1004
21 OF YUBRAN S. MESLE, DRAWN
22 FROM WELLS FARGO ACCOUNT
23 NO. 3572585739 IN THE AMOUNT
24 OF \$5,000.00 IN U.S. CURRENCY

25 SIGNED PERSONAL CHECK NO. 1040
26 OF YUBRAN S. MESLE, DRAWN
27 FROM BANK OF AMERICA ACCOUNT
28 NO. 24547 67190, NO AMOUNT
STATED;

\$197,031.14 IN U.S. CURRENCY
SEIZED FROM BANK OF AMERICA
ACCOUNT NO. 09672 67676 ON
FEBRUARY 22, 2008;

\$1,598.21 IN U.S. CURRENCY
SEIZED FROM WELLS FARGO BANK
ACCOUNT NO. 3572585739 ON
FEBRUARY 22, 2008.

Defendants.

Case No. 08-CV-0394-WQH(CAB)

DECLARATION OF YUBRAN MESLE
IN SUPPORT OF RESPONSE AND
OPPOSITION TO MOTION FOR
JUDGMENT BY DEFAULT AND IN
SUPPORT OF MOTION TO SET ASIDE
CLERK'S DEFAULT PURSUANT TO
RULE 55(C) OF THE FEDERAL RULES
OF CIVIL PROCEDURE

1 YUBRAN MELSE, declares as follows:

2 1. I am the claimant in the above-entitled cause.

3 2. On November 8, 2007, my brother, Ata Dighlawi, entered the United States at
4 the San Ysidro Port of Entry. In his vehicle were three (3) checks written on bank accounts I
5 maintained here in the United States. The first check was in the amount of \$240,000 on Bank of
6 America account number 09672 67676. The check was dated November 28, 2007. At the time
7 the check was seized, this account had approximately \$197,031.14 in it. The second check was
8 written was in the amount of \$5,000 on Wells Fargo Bank account number 3572585739 and was
9 dated November 10, 2007. At the time this check was seized, the account had approximately
10 \$1,598.21 in it. The third check was written on Bank of America account number 24547 67190
11 and was blank in its entirety except for the signature line.

12 3. On November 9, 2007, I learned from my brother the checks had been seized at
13 the San Ysidro Port of Entry. I learned the following Monday the funds in my accounts had
14 been frozen.

15 4. On or about November 13, 2007, I contacted a United States Customs agent I
16 knew, Chris Cummings. I informed him of the situation, and he told me he would look into the
17 matter. He explained that he would contact the United States Customs agent handling the
18 investigation and help get the situation taken care of.

19 5. On or about November 14 or 15, 2007, I spoke with United States Customs agent
20 Glenn McDonald, the agent assigned to the investigation. I explained to him the funds in Bank
21 of America account number 09672 67676 had just been wired into my account November 7,
22 2007, and provided a copy of the promissory note showing the source of the funds
23 demonstrating they came from a legitimate source. (A copy of that promissory note is attached
24 hercof as Exhibit "A"). He told me U.S. Customs would send me petition paperwork, for me to
25 fill the paperwork out, and he thought the matter would be resolved.

26 6. On or about November 15, 2007 I received a Notice of Seizure from United
27 States Customs and Border Protection (See Exhibit "B" attached hereto). That notice advised
28 me of the seizure of "3 bearer negotiable personal checks (Bank of America checks #1040 and

1 730 and Wells Fargo Check #1004)." The notice explained that among various options other
2 than "abandoning" the property I could petition Customs explaining why I was entitled to relief
3 from forfeiture and/or elect to file a Claim and have the matter proceed to court.

4 Not being clear on exactly what papers were required to be returned among those sent to
5 me by U.S. Customs, I filed the Petition, the Claim, and the currency transaction report that had
6 been enclosed in the information packet. (See Exhibits "C", "D", and "E"). I also signed an
7 Election of Proceedings form which had been sent in the package. I checked the last box on the
8 form because the form said I could only check one box and I didn't know what to do since I was
9 filing both a Petition and a Claim. (See Exhibit "F").

10 I forwarded all of the above-referenced documentation to United States Customs on
11 December 6, 2007, or within approximately 21 days of my receipt of the Notice of Seizure from
12 United States Customs. I was told by a number of people that the petition process could take up
13 to one year to conclude.

14 7. About one month after the seizure, I again spoke to United States Customs agent
15 Chris Cummings about the situation. He told me he had spoken to agent McDonald and had
16 made a recommendation on my behalf and that he would continue to speak to agent McDonald
17 and try to help.

18 8. In late February, 2007, I learned \$197,031.14 had been seized from my Bank of
19 America account and \$1,598.21 from my Wells Fargo Bank account. At no time have I ever
20 received any notices of seizures from the government regarding these seizures. Had I received
21 notices of seizures, I would have filed petitions for remission and/or mitigation of forfeiture in
22 those matters just as I had earlier per the advice of agent McDonald.

23 9. In March of 2008, I received the Complaint for Forfeiture in this matter. Because
24 I was told that the decision on my petition would take up to a year, I didn't understand that any
25 further action was required on my part insofar as responding to the forfeiture complaint. The
26 first I realized there was a problem was when I received the Motion for Judgment by Default. I
27 immediately contacted my present counsel and engaged him to represent me in this matter.

28 10. It has always been my intention to pursue this case. I simply didn't understand

1 any further action was required on my part after I had filed my petition for remission/mitigation
2 of forfeiture as well as the additional paperwork, and I was simply waiting for a ruling on what I
3 had submitted.

4 I declare under penalty of perjury the foregoing is true to the best of my knowledge and
5 recollection,

6 Executed this 19th day of August, 2008 at Corona, California.

7 
8 _____
9 Yubran Mesic, Declarant

EXHIBIT “A”

Nov 14 07 02:29p JOE PERSEKIAN

858-513-3736

p.1

\$200000

NOV. 7, 2007

PROMISSORY NOTE
Balloon Payment

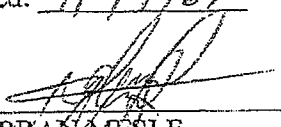
For value received, the undersigned promise(s) to pay to the order of JOE PERSEKIAN (hereinafter "Holder"), in legal tender, the sum of \$200000, with interest accruing thereon at the annual rate of 0 percent. This Note commences on NOV. 7, 2007 (hereinafter "Commencement Date"), and all obligations set forth herein are measured from this date. No payments of principal or interest are required to be paid until the due date, which due date is no later than ONE months after the Commencement Date.

In the event legal action is brought to recover on, or to secure payment on, the within Note, or in the event any party hereto, or assignee, files an action to interpret any provisions of this Note, the prevailing party in such action shall be entitled to such legal fees and costs of suit as determined by a court of law of competent jurisdiction to have been reasonably incurred in such action.

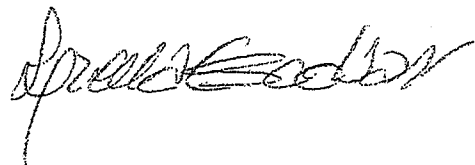
All payments and performance of the obligations under this Note shall be made at 15244 ESPOLA RD POWAY CA. 92064.

This Note shall be governed and interpreted under the laws of the State of CA.

Dated: 11/7/07.


YUBRAN MESLE

State of California
County of Los Angeles
on Nov. 7, 2007



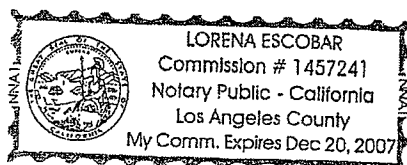


EXHIBIT “B”



U.S. Customs and
Border Protection
9495 Customhouse Plaza
San Diego, CA 92154

CIVIL ASSET FORFEITURE REFORM ACT
NOTICE OF SEIZURE OF PROPERTY

NOV 14 2007

Seizure Case No. 2008 2504 000313
FP&F: sm

Yubran S Mesle
11587 Trailway Drive
Riverside, CA 92505

Dear Sir or Madam:

This is to officially notify you that U.S. Customs and Border Protection/Immigration and Customs Enforcement seized the property described below at San Ysidro, CA on November 9, 2007.

3 bearer negotiable personal checks (Bank of America checks # 1040 and 730, Wells Fargo check #1004), ADV: \$245,000.00, SZD: 110907 at San Ysidro, CA

The property was seized and is subject to forfeiture under the provisions of Title 31 United States Code, sections 5316/5317 and 5332, failure to file required currency monetary instruments report / bulk cash smuggling.

The facts available to U.S. Customs and Border Protection indicate that you might have an interest in the seized property. The purpose of this letter is to advise you of the legal options available to you concerning this seizure. Important documents are attached to this letter. Please do not ignore them. Those documents are an "Election of Proceedings" form and a "Seized Asset Claim Form". You MUST check Box 1 or 3 and return the "Election of Proceedings" form if you wish to contest the forfeiture of the seized property. You may need to complete the "Seized Asset Claim Form", depending on how you complete the "Election of Proceedings" form.

Your legal options are as follows:

1. You may file a petition for relief from the seizure within 30 days from the date of this letter. The provisions of title 19, United States Code, section 1618, and Part 171 of the Customs Regulations (19 CFR Part 171) allow you to do this. The petition need not be in any specific form, but it should include all the facts which you believe warrant relief from forfeiture. All petitions should be filed in duplicate and addressed to U.S. Customs and Border Protection, Attn: Fines, Penalties & Forfeitures, 9495 Customhouse Plaza, San Diego, CA 92154. If you choose this option, you must check Box 1 on the "Election of Proceedings" form.
2. You may file an offer in compromise within 30 days from the date of this letter. The provisions of title 19, United States Code, section 1617, allow you to do this. The offer must specifically indicate that you are making it under the provisions of title 19, United States Code, section 1617. If you are offering money in settlement of the case, you must include a cashier's check in the amount of your offer. U.S. Customs and Border Protection may ONLY consider the amount of your offer and will return the full offer if it is rejected. This option may serve to delay the case. If you choose this option, you must check Box 1 on the "Election of Proceedings" form.
3. You may submit an offer to pay the full appraised domestic value of the seized property accompanied by that full payment or an irrevocable letter of credit. The provisions of title 19, United States Code, section 1614, and title 19, Code of Federal Regulations, section 162.44, allow you to do this. If U.S. Customs and Border Protection accepts your offer, the property will be immediately released and the payment or letter of credit will be substituted for the seized property. You may still submit a petition or offer in compromise as described above.

Vigilance ★ Service ★ Integrity

CAFRA AF-PUBLISH

-2-

4. You may choose to do nothing. If you take no action, or if you check Box 2 on the "Election of Proceedings" form, U.S. Customs and Border Protection will seek to forfeit the property. U.S. Customs and Border Protection will immediately commence administrative forfeiture proceedings under the legal authority of title 19, United States Code (USC), section 1607, and title 19, Code of Federal Regulations (CFR), Part 162. In order to obtain administrative forfeiture, U.S. Customs and Border Protection must publish a notice of seizure and intent to forfeit in a newspaper of general circulation for three consecutive weeks. U.S. Customs and Border Protection will commence such publication on or about January 2, 2008 in the San Diego Commerce. You may request that this office publish the first notice sooner than the date above.

5. You may abandon the property. If you choose this option, please check Box 2 and sign and return the "Election of Proceedings" form.

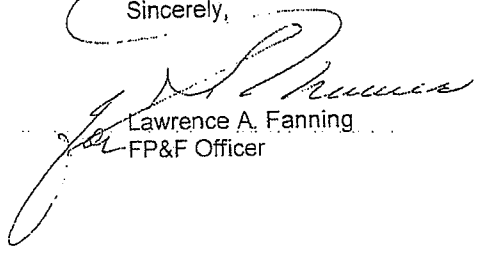
6. You may choose to file a claim and have that claim referred to the United States Attorney for the commencement of a court forfeiture action. If you choose this option YOU MUST CHECK BOX 3 ON THE "ELECTION OF PROCEEDINGS" FORM AND YOU MUST FULLY COMPLETE THE ATTACHED "SEIZED ASSET CLAIM FORM." If you choose to file a claim directly in response to this letter, you must do so within 35 days of the date of this letter.

If you are a holder of a lien or security interest and you do not file a claim, you may avail yourself of any of the other options listed above, but no relief will be granted to you until after forfeiture unless your petition, offer or request is accompanied by an agreement to hold the United States, its officers and employees harmless, and a release from the registered owner and/or the person from whom the property was seized.

No matter which box you check on the "Election of Proceedings" form, you must also sign and return the form along with your petition, offer, or claim.

If you have any questions regarding this matter, please contact Fines, Penalties & Forfeitures at (619) 671-8256.

Sincerely,



Lawrence A. Fanning
FP&F Officer

CAFRA

EXHIBIT “C”

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICEApproved Through 05/30/06
OMB No. 1515-0052PETITION FOR REMISSION OR MITIGATION OF FORFEITURES
AND PENALTIES INCURRED

18 U.S.C. 1611; 19 CFR 171.11

| | |
|------------------------------|---|
| 1. JAT <u>4000 Border</u> | 2. SEIZURE CASE NO. <u>20082504 000313</u> |
|------------------------------|---|

DESCRIPTION OF MERCHANDISE

3 Personal Checks, one for \$240,000-, one for \$5,000- and 1 Blank Check.

All 3 Checks were from my Personal Bank Acct. Carried By my Brother Ata Biglani.

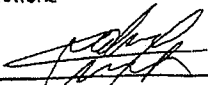
| | |
|--------------------------------|--|
| NAME <u>YUSROU S. Mesle</u> | 3. ADDRESS <u>11587 Trailway Drive Riverside, CA. 92505</u> |
|--------------------------------|--|

Petition for the release of the seized above-described merchandise and for relief from the liability incurred because of the following mitigating circumstances.

I am petitioning for the release of 2 Bank Accounts from which 3 checks seized by US. Customs.

- ① Wells Fargo Bank - Acct. #122000247 - 3572585739
Yusrou S. Mesle - Account holder.
- ② Bank of America - Acct. #510000655 - 09672 - 07676
Yusrou S. Mesle - Account holder.

My Bank Accounts have been placed on "frozen" status. My Brother Ata Biglani did ~~not~~ he had the checks in his pant pockets. But was not aware that carrying the check across the border was going to be a problem. He actually stated he had them folder with his cash. He went to Tijuana, Mexico for a day of shopping. He does not know US. Customs currency policies. And didn't realize the problem this would cause. See Attached paper

| | | |
|--|--|----------------------------|
| SIGNATURE  | 4. ADDRESS <u>11587 Trailway Dr. Riverside, CA. 92505</u> | 5. DATE <u>12/06/07</u> |
|--|--|----------------------------|

Paperwork Reduction Act Notice: The Paperwork Reduction Act of 1995 says we must tell you why we are collecting this information, how we will use it, and whether you have to give it to us. We ask for this information to carry out the Customs Service laws of the United States. This form is used by those persons who are requesting mitigation of a penalty or remission of a forfeiture which has been incurred under the customs laws of a law administered by Customs. Completion of this form will permit the authorized Customs officer to grant mitigation or remission. It is required that the form be completed to obtain this benefit. An estimated average burden associated with this collection of information is 15 minutes per respondent or recordkeeper depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to U.S. Customs Service, Paperwork Management Branch, Washington DC 20226. DO NOT send completed form(s) to this office.

12/06/07.

Seizure case no -
2008 2504 000313

cont' question #6 -

This was an unintentional mistake on my
brother Abu Nighlani's behalf. I have
attached a copy of a Promissory Note dated
Nov. 7, 2007. From Joe Perseki to me
Yusuf S. Mesle. This will help you understand
where the sum of the check for \$240,000 -
came from. It was a loan to me. I have to
pay back.

Thank You -

Yusuf S. Mesle
11587 Fairway Dr.
Riverside, CA 92505
951-371-0700 Office



Nov 14 07 02:29p JOE PERSEKIAN

858-513-3736

p.1

\$200000

NOV. 7, 2007

PROMISSORY NOTE
Balloon Payment

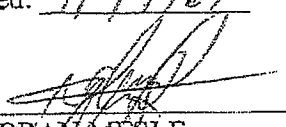
For value received, the undersigned promise(s) to pay to the order of JOE PERSEKIAN (hereinafter "Holder"), in legal tender, the sum of \$200000, with interest accruing thereon at the annual rate of 0 percent. This Note commences on NOV. 7, 2007 (hereinafter "Commencement Date"), and all obligations set forth herein are measured from this date. No payments of principal or interest are required to be paid until the due date, which due date is no later than ONE months after the Commencement Date.

In the event legal action is brought to recover on, or to secure payment on, the within Note, or in the event any party hereto, or assignee, files an action to interpret any provisions of this Note, the prevailing party in such action shall be entitled to such legal fees and costs of suit as determined by a court of law of competent jurisdiction to have been reasonably incurred in such action.

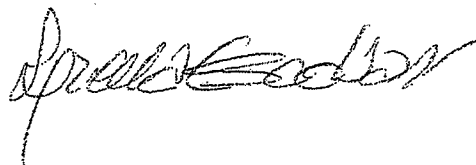
All payments and performance of the obligations under this Note shall be made at 15244 ESPOLA RD POWAY CA. 92064.

This Note shall be governed and interpreted under the laws of the State of CA.

Dated: 11/7/07


YUBRAN MESLE

State of California
County of Los Angeles
on Nov. 7, 2007



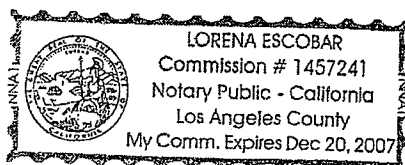


EXHIBIT “D”

U.S. CUSTOMS AND BORDER PROTECTION
SEIZED ASSET CLAIM FORM

This form should be used only if you want your case referred to the United States Attorney to initiate forfeiture proceedings in Federal Court.

Name: Yulbon S. NesleSeizure No. 2008 2504 000313Address: 11567 Trailway Dr.Riverside, CA 92505Telephone No: (714) 333-5907(IMPORTANT: BE SURE TO
COMPLETE ALL PARTS BELOW)951-371-0700 office

As authorized by 18 USC 983(a)(2)(A), I request that the Government file a complaint for forfeiture on the seized property described below:

PART I

List all the items in which you claim an interest. Include sufficient information to identify the items, such as serial numbers, make and model numbers, aircraft tail numbers, photographs, and so forth. Attach additional sheets of paper if more space is needed.

3 Personal Checks - 2 Different Banks.

- ① Bank of America - check # 1040 - Acct. # 510000655 - 09672 - 67676
amt - Blank check \$0.
- ② Bank of America - check # 720 - Acct. # 510000655 - 09672 - 67676
amt. \$ 240,000 - dollars
- ③ Wells Fargo Bank - check # 1004 - Acct. # 122000247 - 3572585789
PART II \$ 5000.00 dollars.

State your interest in each item of property listed above. Attach additional sheets of paper if more space is needed.

My interest in these checks are because they belong to me. They are not the property of my brother ~~Ala~~ Dighlouni. It has cause my bank accounts to be "frozen". I need them, unseized and checks returned. It is affecting my livelihood and ability to survive.

PART III (ATTESTATION AND OATH)

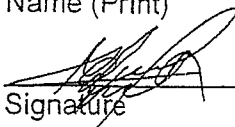
I attest and declare under penalty of perjury that the information provided in support of my claim is true and correct to the best of my knowledge and belief.

Yulbon S. Nesle

Name (Print)

12/06/07

Date


Signature

A FALSE STATEMENT OR CLAIM MAY SUBJECT A PERSON TO PROSECUTION
UNDER 18 U.S.C. 1001 AND/OR 1621 AND IS PUNISHABLE BY A FINE AND UP TO
FIVE YEARS IMPRISONMENT.

EXHIBIT “E”

Form Approved
OMB No. 1515-0079

(U.S. Customs Use Only)

Control No.



DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE

**REPORT OF INTERNATIONAL
TRANSPORTATION OF CURRENCY
OR MONETARY INSTRUMENTS**

► This form is to be filed with the United States Customs Service

► For Paperwork Reduction Act Notice and Privacy Act Notice, see back of form.

31 U.S.C. 5316; 31 CFR 103.23 and 103.25

► Please type or print.

Part I FOR INDIVIDUAL DEPARTING FROM OR ENTERING THE UNITED STATES

| | | | |
|--|--|--|---|
| 1. NAME (Last or family, first, and middle) <u>Mezle, Gupron S.</u> | | 2. IDENTIFYING NO. (See instructions) <u>CDL # 04073743</u> | 3. DATE OF BIRTH (Mo./Day/Yr.) <u>10 / 03 / 70</u> |
| 4. PERMANENT ADDRESS IN UNITED STATES OR ABROAD <u>11587 Trailway Dr. Riverside, CA 92505</u> | | 5. OF WHAT COUNTRY ARE YOU A CITIZEN/SUBJECT? <u>U.S.</u> | |
| 6. ADDRESS WHILE IN THE UNITED STATES <u>same as above</u> | | 7. PASSPORT NO. & COUNTRY <u>N/A</u> | |
| 8. U.S. VISA DATE <u>N/A</u> | 9. PLACE UNITED STATES VISA WAS ISSUED <u>N/A</u> | | 10. IMMIGRATION ALIEN NO. (If any) <u>N/A</u> |
| 11. CURRENCY OR MONETARY INSTRUMENT WAS: (Complete 11A or 11B) | | | |
| A. EXPORTED | | B. IMPORTED | |
| Departed From: (City in U.S.) | Arrived At: (Foreign City/Country) | From: (Foreign City/Country) | At: (City in U.S.) |

Part II FOR PERSON SHIPPING, MAILING, OR RECEIVING CURRENCY OR MONETARY INSTRUMENTS

| | | | |
|--|--|---|---------------------------------|
| 12. NAME (Last or family, first, and middle) | | 13. IDENTIFYING NO. (See instructions) | 14. DATE OF BIRTH (Mo./Day/Yr.) |
| 15. PERMANENT ADDRESS IN UNITED STATES OR ABROAD | | 16. OF WHAT COUNTRY ARE YOU A CITIZEN/SUBJECT? | |
| 17. ADDRESS WHILE IN THE UNITED STATES | | 18. PASSPORT NO. & COUNTRY | |
| 19. U.S. VISA DATE | | 20. PLACE UNITED STATES VISA WAS ISSUED | |
| 21. IMMIGRATION ALIEN NO. (If any) | | | |
| 22. CURRENCY OR MONETARY INSTRUMENTS | 23. CURRENCY OR MONETARY INSTRUMENTS | 24. IF THE CURRENCY OR MONETARY INSTRUMENT WAS MAILED, SHIPPED, OR TRANSPORTED COMPLETE BLOCKS A AND B. | |
| DATE SHIPPED | <input type="checkbox"/> Shipped To | A. Method of Shipment (Auto, U.S. Mail, Public Carrier, etc.) | |
| DATE RECEIVED | <input type="checkbox"/> Received From | B. Name of Transporter/Carrier | |

Part III CURRENCY AND MONETARY INSTRUMENT INFORMATION (SEE INSTRUCTIONS ON REVERSE) (To be completed by everyone)

| | | | |
|--|-------------------------------|---|---|
| 25. TYPE AND AMOUNT OF CURRENCY/MONETARY INSTRUMENTS | | Value in U.S. Dollars | 26. IF OTHER THAN U.S. CURRENCY IS INVOLVED, PLEASE COMPLETE BLOCKS A AND B. (SEE SPECIAL INSTRUCTIONS) |
| Coins | <input type="checkbox"/> A. ► | \$ | A. Currency Name |
| Currency | <input type="checkbox"/> B. ► | | B. Country |
| Other Instruments (Specify Type) <u>3 Personal Checks</u> | | <input checked="" type="checkbox"/> C. ► <u>245,000</u> | |
| (Add lines A, B and C) | | TOTAL AMOUNT ► \$ | |

Part IV GENERAL - TO BE COMPLETED BY ALL TRAVELERS, SHIPPERS, AND RECIPIENTS

| | | | | |
|--|------------------------|------------|---|-----------------------------|
| 27. WERE YOU ACTING AS AN AGENT, ATTORNEY OR IN CAPACITY FOR ANYONE IN THIS CURRENCY OR MONETARY INSTRUMENT ACTIVITY? (If "Yes" complete A, B and C) | | | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| PERSON IN WHOSE BEHALF YOU ARE ACTING | A. Name | B. Address | C. Business activity, occupation, or profession | |
| Under penalties of perjury, I declare that I have examined this report, and to the best of my knowledge and belief it is true, correct and complete. | | | | |
| 28. NAME AND TITLE | 29. SIGNATURE | | 30. DATE | |
| <u>[Signature]</u> | <u>Gupron S. Mezle</u> | | <u>12/06/07</u> | |

(Replaces IRS Form 4790 which is obsolete.)

Customs Form 4790 (031695)

EXHIBIT “F”

ELECTION OF PROCEEDINGS
CAFRA FORM AF-PUBLISH

NOTE: THIS FORM MUST BE COMPLETED AND RETURNED WITH YOUR PETITION OR OFFER. IF YOU DO NOT COMPLETE AND RETURN THIS FORM, U.S. CUSTOMS AND BORDER PROTECTION SHALL PROCEED TO FORFEIT THE PROPERTY ADMINISTRATIVELY, REGARDLESS OF WHETHER YOU FILE A PETITION OR OFFER.

TO: FINES, PENALTIES AND FORFEITURES OFFICER:

I understand that property in which I have an interest has been seized by U.S. Customs and Border Protection/Immigration and Customs Enforcement under Case No. 2008 2504 000313.

Check **ONLY ONE** (1) of the following choices:

1. ☐ I REQUEST THAT U.S. CUSTOMS AND BORDER PROTECTION DELAY FORFEITURE PROCEEDINGS AND CONSIDER MY PETITION OR OFFER

ADMINISTRATIVELY. My petition or offer is attached. By making this request, I understand that I am giving up my right for the immediate commencement of administrative forfeiture proceedings, as provided under title 19, United States Code (USC), section 1607 and title 19, Code of Federal Regulations (CFR), Part 162. If administrative forfeiture has begun, it will be stopped until my petition or offer is considered. However, I understand that *at any time* I can request, in writing, that U.S. Customs and Border Protection begin administrative forfeiture proceedings and U.S. Customs and Border Protection will continue to consider my petition or offer. I also understand that *at any time* I can file a claim with U.S. Customs and Border Protection (as described in Box 3 below) and U.S. Customs and Border Protection consideration of my petition or offer will stop and the case will be sent to the U.S. Attorney for court action.

2. ☐ I ABANDON THE PROPERTY AND I REQUEST THAT U.S. CUSTOMS AND BORDER PROTECTION BEGIN ADMINISTRATIVE PROCEEDINGS TO FORFEIT THE PROPERTY.

Please immediately begin publication of the notice of seizure and intent to forfeit. I abandon any claim or interest in the property.

- 3. ☒ I REQUEST THAT U.S. CUSTOMS AND BORDER PROTECTION SEND MY CASE FOR COURT ACTION.** Please immediately send the case to the U.S. Attorney for court action. I have fully completed, signed and attached a SEIZED ASSET CLAIM FORM as required by law. I understand that if I have not fully completed this form, U.S. Customs and Border Protection will treat my submission as a petition for relief under Box 1 described above.

Signature

Date

Printed Name

CAFRA

EXHIBIT “J”

RICHARD M. BARNETT
A Professional Law Corporation
California Bar Number 65132
105 West F Street, 4th Floor
San Diego, CA 92101
Telephone: (619) 231-1182
Email: rmb-atty@pacbell.net

Attorney for Claimant Yubran Mesle

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SIGNED PERSONAL CHECK NO. 730
OF YUBRAN S. MESLE, DRAWN
FROM BANK OF AMERICA ACCOUNT
NO. 09672 67676 IN THE
AMOUNT OF \$240,000.00 IN
U.S. CURRENCY;

SIGNED PERSONAL CHECK NO. 1004
OF YUBRAN S. MESLE, DRAWN
FROM WELLS FARGO ACCOUNT
NO. 3572585739 IN THE AMOUNT
OF \$5,000.00 IN U.S. CURRENCY

SIGNED PERSONAL CHECK NO. 1040
OF YUBRAN S. MESLE, DRAWN
FROM BANK OF AMERICA ACCOUNT
NO. 24547 67190, NO AMOUNT
STATED;

\$197,031.14 IN U.S. CURRENCY
SEIZED FROM BANK OF AMERICA
ACCOUNT NO. 09672 67676 ON
FEBRUARY 22, 2008;

\$1,598.21 IN U.S. CURRENCY
SEIZED FROM WELLS FARGO BANK
ACCOUNT NO. 3572585739 ON
FEBRUARY 22, 2008.

Defendants.

Case No. 08-CV-0394-WQH(CAB)

DECLARATION OF RICHARD M.
BARNETT IN SUPPORT OF
RESPONSE AND OPPOSITION TO
MOTION FOR JUDGEMENT BY
DEFAULT AND MOTION TO SET
ASIDE CLERK'S DEFAULT PURSUANT
TO RULE 55(C) OF THE FEDERAL
RULES OF CIVIL PROCEDURE

1 I, Richard M. Barnett, declares as follows:

2 1. I am the attorney for the claimant, Yubran Mesle in the above-referenced matter.

3 Facts Related to Petitions for Remission/Mitigation of Forfeiture

4 2. I have been practicing law for over 30 years. For at least the last 20 years, I have
5 primarily focused on the defense of federal asset forfeiture cases. During the course of my
6 representation of literally hundreds of clients during that time period, I've handled numerous
7 cases involving the failure to report monetary instruments over \$10,000 transported into or out
8 of the United States in violation of Title 31, United States Code, Section 5316. It has been my
9 experience, as well as common knowledge among attorneys practicing in this area, that the
10 United States Customs Service has taken a very favorable view in ruling on petitions for
11 remission/mitigation of forfeiture in Section 5316 cases. As a result, the attorneys handling
12 these matters almost always first submit petitions for the remission and/or mitigation of
13 forfeiture rather than requesting the institution of judicial forfeiture proceedings as they often
14 achieve a better result.

15 I have examined all of my recent cases within the last two (2) years involving individuals
16 who failed to file the necessary paperwork in bringing currency either into or out of the country
17 and thus violating Title 31, United States Code, Section 5316.

18 3. In seizure number 2006 2720 000249, \$18,400 in U.S. currency was seized from
19 my client. Following the submission of a petition for remission and/or mitigation of forfeiture,
20 all but \$1,000 was returned to the client. In seizure number 2006 2501 000276, \$16,977 in U.S.
21 currency and \$784 in Mexican Pesos were seized. Following the submission of the petition for
22 remission/mitigation of forfeiture all but \$1,000 was returned to the claimant. Finally, in seizure
23 number 2007 2501 00099, 81 endorsed checks and 79 money orders totaling \$72,107.67 were
24 seized. All but \$1,600 was returned to the claimant.

25 4. In this case, had the government complied with Title 19, United States Code,
26 Section 1607 and forwarded notices of seizure for the funds seized from Mr. Mesle's Bank of
27 America and Wells Fargo bank accounts in February, 2008, in declarant's opinion, it is likely he
28 would have received similar treatment in consideration of a petition for remission and/or

1 mitigation of forfeiture. However, by failing to send the statutorily required notices of seizure,
2 he was precluded from even seeking this relief from United States Customs as he had already
3 done in the case of the seized checks.

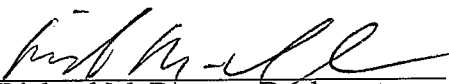
4 The Nature of the Checks Themselves

5 5. The Complaint for Forfeiture recites that "the Government is seeking forfeiture
6 of a check drawn on Bank of America account number 09672 67676 in the amount of
7 \$240,000". On the date that check was seized, there was \$197,031.14 in that account. On
8 August 18, 2008, declarant spoke with the operations manager of the Bank of America branch
9 where account number 09672 67676 is maintained. Declarant was advised that had a check
10 been submitted for payment in an amount greater than the amount of funds in the account, it
11 would have been considered a non-negotiable instrument based on non-sufficient funds.

12 The Complaint for Forfeiture additionally seeks the forfeiture of a check in the amount
13 of \$5,000 written on Wells Fargo Bank account number 3572585739. On the date of seizure
14 there was \$1,598.21 in the account. On August 18, 2008, declarant spoke with the operations
15 manager of the Wells Fargo Bank branch account number 3572585739 was maintained.
16 Declarant was advised by the operations manager that had a check been submitted for payment
17 in an amount greater than the amount of funds in the account, they would consider the check to
18 have been "non-negotiable based on non-sufficient funds".

19 I declare under penalty of perjury the foregoing is true and correct,

20 Executed this 19th day of August, 2008 at San Diego, California.

21
22 
23 Richard M. Barnett, Declarant
24
25
26
27
28